

Draft Meeting Agenda
South Dakota Board of Examiners of Psychologists
Teleconference
March 29, 2019
8:30AM MDT/9:30AM CDT

Persons wishing to join the business meeting via teleconference will need to contact the Board Office at (605) 642-1600 by March 28, 2019 to arrange for a call-in number.

Teleconference with public access at:

Board office
629 Main St.
Spearfish, SD
(605)-642-1600

Member Listing:

1. Thomas Stanage, Ph.D., President
2. Matthew Christiansen, Ph.D., Vice-President
3. Trisha Miller, Ph.D., Secretary
4. Robert Buri, Ph.D., Member
5. Jeffrey Ellison, Psy.D., Member
6. Robert Overturf, Lay Member

Purpose: The Board protects the health and safety of the consumer public by licensure of qualified persons, enforcement of the statutes, rules and regulations governing the practice of psychology, including the appropriate resolution of complaints.

1. Call to Order/Welcome and Introductions-Stanage
2. Roll Call-Stanage
3. Conflicts to declare
4. Corrections or additions to the agenda
5. Approval of Agenda
6. Public Testimony/Public Comment Period-8:35AM MDT/9:35AM CDT
7. Approval of Minutes from January 4, 2019
8. FY Financial Update
9. HB 1111
10. Update on rules changes-continuing education
11. Mobility/CPQ/National Register
12. ASPPB Midyear Meeting October 16-20, 2019, Minneapolis
13. Discussion of complaint procedure-Overturf
14. Executive Session-Pursuant to SDCL 1-25-2
 - a. Complaints/Investigations
 1. #215-update
 2. #217-I update
 3. #218-I update
 4. #219
15. Schedule next meeting
16. Adjourn

SOUTH DAKOTA BOARD OF EXAMINERS OF PSYCHOLOGISTS
BOARD MEETING MINUTES

January 4, 2019

Board of Medical & Osteopathic Examiners Board Room, Sioux Falls, SD

Members Present: Thomas Stanage, Ph.D., (President); Matthew Christiansen, Ph.D. (newly-elected Vice President); Trisha Miller, Ph.D., (Secretary, via conference call); Robert Buri, Ph.D., Member; Jeffrey Ellison, Psy.D., Member (new); Robert Overturf, Lay Member, via conference call (joined the meeting at 12:05am CST)

Members Absent: None. Since our last meeting, Ellison was appointed to the board and new legal counsel, Attorney Trevor Thielen, was appointed for the board as well. Thielen was unable to attend today's meeting.

Others Present: Carol Tellinghuisen, Executive Administrator; Jill Lesselyoung, Administrative Assistant; Marilyn Kinsman, Senior Policy Analyst for South Dakota DSS (via teleconference); Taja Slaughter, Director of Member Services, ASPPB (via teleconference); Alex Siegel, Director of Professional Affairs, ASPPB (via teleconference); Jerry Buchkoski, Ph.D.; and National Register representatives - Morgan Sammons, Ph.D., Executive Officer and Andrew Boucher, Associate Director (both via teleconference at 10:22am CST).

Stanage called the meeting to order at 8:42am CST.

Executive Session: The board entered executive session at 8:43am CST on a unanimous roll call vote based on a motion by Christiansen and a second by Buri for the purpose of administering Orals Examination to Applicant #'s 385 and 384. Stanage, yes; Miller, yes; Christiansen, yes; Buri, yes; Ellison, yes. The board exited executive session at 9:52am CST following a unanimous roll call vote based on a motion by Christiansen and a second by Buri. Stanage, yes; Miller, yes; Christiansen, yes; Buri, yes; Ellison, yes.

Stanage called the meeting back to order at 9:53am CST.

Welcome and Introductions: Guests were welcomed by Stanage.

Roll Call: Lesselyoung called the roll. A quorum was present.

Conflicts to Declare: None.

Corrections or Additions to the Agenda: Agenda order modifications were made at this time wherein agenda item 9 (Applicant Approvals) was moved to immediately follow item 5 (Approval of Agenda), items 14 (Executive Session) and 15 (Executive Secretary Contract) were moved to follow item 17 (CEU discussion).

Approval of Agenda: Buri motioned, Christiansen seconded to approve the meeting agenda with the above-mentioned modifications. Motion carried unanimously via roll call vote. Stanage, yes; Miller, yes; Christiansen, yes; Buri, yes; Ellison, yes.

Applicant Approvals: Miller made a motion, which was seconded by Christiansen, to grant licensure to Applicant #'s 385 and 384. This motion passed unanimously. Stanage, yes; Miller, yes; Christiansen, yes; Buri, yes; Ellison, yes.

Public Testimony/Public Comment Period (adjusted from 9:10am to 9:54am CST due to delay in meeting start time): There were no comments for the public comment period.

CPQ: Siegel and Slaughter provided details about the Certificate of Professional Qualification (CPQ) offered by ASPPB to help applicants expedite licensure in one state once they have been licensed in another state. Siegel explained there are two categories (Fully Accepting and Recognizing) that state licensure boards choose from to acknowledge CPQ.

Siegel and Slaughter left the meeting via teleconference at 10:21am CST.

National Register: Sammons and Boucher joined the meeting via teleconference at 10:22am CST to provide information about the National Register, another licensure mobility option. Sammons provided background about the Register and explained that the only difference between the Register's licensure approval and SD's requirements is that SD requires 1800 hours each of predoctoral and postdoctoral supervision hours and the Register requires 1500 (300 fewer) each. There is no fee for state licensure boards to recognize the Register in their licensure process, but the applicants themselves pay an application fee (\$225 currently) as well as an annual renewal fee (currently \$180) to the Register. Boucher reported 36 states and 10 Canadian Provinces currently recognize the Register as an expedited mobility option and cited several states in the region (WY, CO, NE, IA, MN, MO) to currently accept Register certification in their licensure processes. Sammons made the board aware that the Register does offer international verification services as well, for a \$500 fee to the applicant and the individual's provision of the necessary translated documents required to do so. The board could consider requiring applicants with international information to go through the Register for this service independent of the licensure mobility option. Stanage inquired about whether the Register has a continuous resident academic requirement; Sammons explained that the individual's degree program has to have been APA or CPA- accredited. Sammons requested notification of the outcome of the board's deliberation on whether to begin accepting the Register or not in our licensure process.

Sammons and Boucher left the meeting via teleconference at 10:43am CST.

Board members discussed the information about the CPQ and National Register. Buchkoski (former board member) voiced that in the past the board voted against including the CPQ or Register due to the risk of removing power from the board with regard to licensure determination. Stanage explained that with the recognition option, this risk is null. Buchkoski voiced support of taking the option of our state board receiving all documents obtained during the CPQ and Register review process of each individual; Miller voiced agreement. Board members discussed the possibility of accepting versus recognizing these sources, but with provisions to ensure our statute requirements are met. Christiansen motioned and Buri seconded that the board has the intent to move forward with recognition of the CPQ with the additional requirement that the applicant has completed a predoctoral internship satisfying our current licensure statutes and to accept the National Register's credentialing with the provision that the applicant's predoctoral and postdoctoral supervision meets our current licensure requirements. Motion was passed unanimously via roll call vote: Stanage, yes; Miller, yes; Christiansen, yes; Buri, yes; Ellison, yes; Overturf, yes. Buchkoski questioned how current licensees will be informed of this licensure application change and whether there would be an item on next meeting agenda for commentary about this.

Election of Officers: Vice President position is currently vacant; Buri motioned and Miller seconded nomination of Matt Christiansen to serve as Vice President. Motion carried on unanimous roll call vote with Christiansen abstaining; Stanage, yes; Miller, yes; Christiansen, abstained; Buri, yes; Ellison, yes. Stanage is currently serving as President and Miller as Secretary. Buri motioned to retain Stanage as President and Christiansen seconded. Motion carried unanimously on roll call vote, with Stanage abstaining; Stanage, abstained; Miller, yes; Christiansen, yes; Buri, yes; Ellison, yes. Buri motioned to retain Miller as Secretary, Christiansen seconded. Motion carried unanimously on roll call vote, with Miller abstaining; Stanage, yes; Miller, abstain; Christiansen, yes; Buri, yes; Ellison, yes.

Approval of Minutes from October 12, 2018 Meeting: Christiansen motioned to approve the October 12, 2018 minutes as written; Buri seconded. Motion carried on unanimous roll call vote. Stanage, yes; Miller, yes; Christiansen, yes; Buri, yes; Ellison, abstain; Overturf, yes.

FY Financial Update: Lesselyoung reported on the finances both as of November 30, 2018 and at FY2018 year end. Lesselyoung reported that as of November 30, 2018, revenue was at \$7,786.76, expenditures were at \$28,924.98, and Cash Balance was at \$81,960.52. Lesselyoung reported figures as of FY2018 year end: Revenue was at \$69,265.19, expenses were \$57,436.29, and Cash Balance was at \$103,098.74. Lesselyoung noted that majority of board revenue comes in the 11th month (May-June) due to licensure renewal at that time. Buri moved and Ellison seconded motion to accept both financial reports. Motion carried on unanimous roll call vote. Stanage, yes; Miller, yes; Christiansen, yes; Overturf, yes; Buri, yes, Ellison, yes.

ASPPB Mid-Year Meeting April 8-14 – Santa Fe, NM: Executive staff made board aware that at present there is no one planning to attend this meeting. Buri voiced interest in attending and stated intent to review schedule to see if it is possible. Christiansen made a motion, seconded by Ellison, to approve a board member and/or executive staff member to attend the Spring 2019 ASPPB meeting. Motion passed unanimously via roll call vote. Stanage, yes; Miller, yes; Christiansen, yes; Overturf, yes; Buri, yes; Ellison, yes. The Fall 2019 ASPPB Meeting is set for October 16-20, 2019 in Minneapolis, MN.

EPPP-2 Correspondence Update: Tellinghuisen brought recent ASPPB update with regard to that they have now rescinded their decision to require all states to require both the EPPP and EPPP-2 for licensure and instead allow individual states to decide whether to add the EPPP-2 to their licensure requirements. Miller voiced concern about lack of information/research about whether or not the additional cost is justified. Stanage voiced desire to await other states' actions and further information before deciding. Board will await further updates on the status of EPPP-2 implementation consideration and/or adoption by other states.

CEU Discussion: Executive staff reported having found out a formal rules change is required for a change in CEU requirements. It was recommended that CEU content is not specified in the rules. Buchkoski questioned who will be verifying licensees' CEU attainment, as well as when these new rules would go into effect. Kinsman advised the schedule will come out in March 2019 for getting this item on the schedule for rules proposals/reviews next year. There was significant discussion about wording for the rules and about specifying. Overturf joined the meeting via teleconference at 11:05am CST. Stanage

suggested Miller work with board executive staff to generate wording for the Administrative Rules proposal prior to next meeting; Miller agreed to do so, and this will be brought back to next meeting.

Buchkoski left the meeting at 11:40am CST. Kinsman left the meeting via teleconference at 11:44am CST.

Executive Session- Pursuant to SDCL-1-25-2: Christiansen motioned and Buri seconded to enter executive session at 11:45am CST for purpose of discussing three agenda items, complaints/investigations and Applicant for Licensure #2018-2, as well as the Executive Secretary Contract. Motion carried by unanimous roll call vote. Stanage, yes; Miller, yes; Christiansen, yes; Overturf, yes; Buri, yes; Ellison, yes. Buri moved, Ellison seconded to exit executive session at 11:56pm CST; motion carried by unanimous roll call vote. Stanage, yes; Miller, yes; Christiansen, yes; Overturf, yes; Buri, yes; Ellison, yes.

Christiansen recommended dismissal of Complaint #216 due to lack of substantive evidence. Buri motioned, Miller seconded to dismiss Complaint #216. Motion carried on a unanimous roll call vote with Christiansen abstaining. Stanage, yes; Miller, yes; Christiansen, abstain; Buri, yes; Ellison, yes; Overturf, yes. Buri reported #217-I as pending. Stanage reported #218-I as pending. Miller reported applicant for licensure #2018-2 as pending receipt of additional materials.

Christiansen motioned, and Ellison seconded, to approve the FY2020 Executive Secretary Contract consistent with the state cost of living increase. Motion passed unanimously via roll call vote. Stanage, yes; Miller, yes; Christiansen, yes; Buri, yes; Ellison, yes; Overturf, yes.

Any Other Business: Overturf brought up concern with regard to current complaint investigation process--that the process is solely based on one individual's perspective as only that individual is provided the details. Overturf raised concern about the burden that puts on the one individual as well as the concern that the other individuals are voting on outcomes without specific information. Overturf questioned if we could inquire about the Medical Board's process. Tellinghuisen agreed to inquire to the Medical and Dental boards and bring information back to next meeting. Tellinghuisen also suggested speaking to the Office of the Attorney General and Overturf volunteered to contact them as well as Thielen (new board attorney) to obtain information prior to next meeting.

Next Meeting: The next meeting was set for Friday, March 29, 2019 at 8:30am MST at The Lodge at Deadwood in Deadwood, SD. Any business that needs to be addressed prior to this date will take place via teleconference.

Motion to adjourn was made by Miller, seconded by Christiansen. Stanage adjourned meeting at 12:07pm CST following unanimous vote to do so. Stanage, yes; Miller, yes; Christiansen, yes; Buri, yes; Overturf, yes; Ellison, yes.

Respectfully submitted,

Trisha T. Miller, Ph.D.
Secretary

1-27-1.17. Draft minutes of public meeting to be available--Exceptions--Violation as misdemeanor. The unapproved, draft minutes of any public meeting held pursuant to § 1-25-1 that are required to be kept by law shall be available for inspection by any person within ten business days after the meeting. However, this section does not

apply if an audio or video recording of the meeting is available to the public on the governing body's website within five business days after the meeting. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to draft minutes of contested case proceedings held in accordance with the provisions of chapter 1-26.

DRAFT

BOARD OF PSYCHOLOGY EXAMINERS

REVENUE SUMMARY

FOR MONTH ENDING 02/28/19

[illegible]

BOARD OF PSYCHOLOGY EXAMINERS
EXPENDITURE SUMMARY REPORT
FOR MONTH ENDING 02/28/19

COMP	ACCOUNT	BDGT YEAR	GRANT YEAR	ACCOUNT DESCRIPTION	CENTER	FUND SRC	SUB FUND	FISCAL YEAR	FISCAL MONTH	YTD AMOUNT	MTD AMOUNT
6503	5101030	0	0	BOARD & COMM MBRS FEES	0892000	654		2019	08	\$ 840.00	\$ -
6503	5102010	0	0	OASI-EMPLOYER'S SHARE	0892000	654		2019	08	\$ 72.29	\$ 2.60
6503	5203030	0	0	AUTO-PRIV (IN-ST.) H/RTE	0892000	654		2019	08	\$ 1,925.70	\$ 200.34
6503	5203100	0	0	LODGING/IN-STATE	0892000	654		2019	08	\$ 599.48	\$ 66.00
6503	5203140	0	0	TAXABLE MEALS/IN-STATE	0892000	654		2019	08	\$ 105.00	\$ 34.00
6503	5203150	0	0	NON-TAXABLE MEALS/IN-ST	0892000	654		2019	08	\$ 325.00	\$ 32.00
6503	5204020	0	0	DUES & MEMBERSHIP FEES	0892000	654		2019	08	\$ 350.00	\$ -
6503	5204030	0	0	LEGAL DOCUMENT FEES	0892000	654		2019	08	\$ 600.00	\$ -
6503	5204090	0	0	MANAGEMENT CONSULTANT	0892000	654		2019	08	\$ 33,171.11	\$ 3,579.05
6503	5204180	0	0	COMPUTER SERVICES-STATE	0892000	654		2019	08	\$ 10.82	\$ -
6503	5204201	0	0	BFM CENTRAL SERVICES	0892000	654		2019	08	\$ 958.72	\$ 289.27
6503	5204204	0	0	RECORDS MGMT SERVICES	0892000	654		2019	08	\$ 187.20	\$ -
6503	5204207	0	0	HUMAN RESOURCES SERVICES	0892000	654		2019	08	\$ 311.51	\$ 101.18
6503	5204510	0	0	RENTS-OTHER	0892000	654		2019	08	\$ 2,237.70	\$ 200.00
6503	5204530	0	0	TELECOMMUNICATIONS SRVCS	0892000	654		2019	08	\$ 50.00	\$ -
6503	5205320	0	0	PRINTING-COMMERCIAL	0892000	654		2019	08	\$ 520.09	\$ 117.97
										\$ 42,264.62	\$ 4,622.41

FOR MONTH ENDING 02/28/19

[illegible]

2019 House Bill 1111 - Enrolled

AN ACT

ENTITLED, An Act to provide for professional or occupational licensure for certain active duty military personnel and spouses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 36-1B-1 be amended to read:

36-1B-1. Notwithstanding any other provision in law and unless an applicant is found by the board to have engaged in any act that may constitute grounds for disciplinary action, any licensing body under the provisions of this title shall, within thirty days of receiving a completed application, issue a license, certificate, registration, or permit required for the practice of any business, profession, or occupation in South Dakota to an applicant whose application has been deemed completed by the board and:

- (1) Who holds in good standing the same or similar valid license, certificate, registration, or permit required for the practice of any business, profession, or occupation issued by another state or the District of Columbia;
- (2) Who is an active duty member of the armed forces of the United States or the spouse of an active duty member of the armed forces of the United States; and
- (3) Who is the subject of a military transfer to South Dakota.

An application is considered complete once the applicable licensing board has received all required documentation necessary to process the application.

If a licensing body denies the issuance of a license, certificate, registration, or permit to an applicant pursuant to this section, the licensing body shall report the denial and the reasons for the denial to the Department of Labor and Regulation.

Section 2. That chapter 36-1B be amended by adding a NEW SECTION to read:

Any license, certificate, registration, or permit issued pursuant to § 36-1B-1 may be renewed until any of the following events occur:

- (1) Active duty orders transfer the applicant out of South Dakota;
- (2) The applicant no longer holds in good standing the same or similar valid license, certificate, registration, or permit required for the practice of any business, profession, or occupation issued by another state or the District of Columbia;
- (3) The applicant fails to adhere to the requirements of the applicable South Dakota licensing body to maintain license, certificate, registration, or permit; or
- (4) The full-time active duty status of the member of the armed forces stationed in South Dakota is terminated.

Section 3. That § 36-1B-4 be amended to read:

36-1B-4. No licensing body under this title may charge an application fee or any other fee payable to the licensing body for a license, certificate, registration, or permit issued pursuant to § 36-1B-1. For the purposes of this section, the term, permit, does not include any permit referenced in this title that is required to perform installation work subject to inspection.

Section 4. That § 36-1B-5 be amended to read:

36-1B-5. Each licensing body under the provisions of this title may promulgate rules pursuant to chapter 1-26 to establish procedures to provide for the expedited issuance of a license, certificate, registration, or permit pursuant to § 36-1B-1.

Section 5. That § 36-1B-2 be repealed.

Section 6. That § 36-1B-3 be repealed.

Section 7. That § 13-42-67 be amended to read:

13-42-67. Unless there is cause to refuse to issue the certificate pursuant to §§ 13-42-7 to 13-42-10, inclusive, the secretary shall, within thirty days of receiving a completed application, issue a teaching certificate to an applicant whose application has been deemed completed by the Department

of Education and:

- (1) Who holds in good standing a valid certificate issued by another state or the District of Columbia;
- (2) Who is an active duty member of the armed forces of the United States or the spouse of an active duty member of the armed forces of the United States; and
- (3) Who is the subject of a military transfer to South Dakota.

An application is considered complete once the department has received all required documentation necessary to process the application. No applicant for a certificate issued pursuant to this section is required to pay an application fee or any other fee payable to the department.

If the secretary denies the issuance of a certificate to an applicant pursuant to this section, the secretary shall report the denial and the reasons for the denial to the Department of Labor and Regulation.

Section 8. That § 13-42-69 be amended to read:

13-42-69. Any certificate issued pursuant to § 13-42-67 shall be limited for a period not to exceed the applicant's length of tour during the time the holder of the certificate continues to meet the eligibility requirements of § 13-42-67. Nothing in this section prohibits the secretary from suspending or revoking the certificate for failure to fulfill the requirements of § 13-42-67.

Section 9. That chapter 36-1B be amended by adding a NEW SECTION to read:

Nothing in this Act may be construed to override, supersede, or invalidate any compact or agreement already in place within any profession regulated under titles 13 or 36.

Nothing in this Act prohibits any active duty military member or military spouse from seeking a professional license, certification, registration, or permit as otherwise provided in law for any profession regulated under titles 13 or 36.

An Act to provide for professional or occupational licensure for certain active duty military personnel and spouses.

<p>I certify that the attached Act originated in the _____ the _____ HOUSE as Bill No. 1111</p> <p>_____ Chief Clerk</p>	<p>Received at this Executive Office this _____ day of _____, 20____ at _____ M.</p> <p style="text-align: right;">By _____ for the Governor</p>
<p>_____ Speaker of the House</p> <p>Attest: _____ Chief Clerk</p> <p>_____ President of the Senate</p> <p>Attest: _____ Secretary of the Senate</p> <p>House Bill No. <u>1111</u> File No. _____ Chapter No. _____</p>	<p>The attached Act is hereby approved this _____ day of _____, A.D., 20____</p> <p style="text-align: right;">_____ Governor</p> <p>_____ ss.</p> <p>STATE OF SOUTH DAKOTA, Office of the Secretary of State</p> <p>Filed _____, 20____ at _____ o'clock ____ M.</p> <p style="text-align: right;">_____ Secretary of State</p> <p style="text-align: right;">By _____ Asst. Secretary of State</p>